

**ASSEMBLY BILL**

**No. 2544**

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**Introduced by Assembly Member Smyth**

February 19, 2010

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An act to amend Section 34501.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as introduced, Smyth. Vehicles: Department of Motor Vehicle regulations: exemptions.

Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations that are designed to promote the safe operation of certain vehicles. Existing law establishes exceptions to these regulations for vehicles engaged in intrastate commerce that are not transporting hazardous substances, including, among other things, an exception for a driver employed by a law enforcement agency during an emergency or to restore public peace.

This bill would include in these exceptions a driver employed under the direction or management of a county road commissioner, a county chief engineer, or a county engineer during an emergency for the purpose of maintaining, restoring, or reopening public roads, maintaining or restoring public infrastructure, or restoring or providing essential public service.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 34501.2 of the Vehicle Code is amended to read:

34501.2. (a) The regulations adopted under Section 34501 for vehicles engaged in interstate or intrastate commerce shall establish hours-of-service regulations for drivers of those vehicles that are consistent with the hours-of-service regulations adopted by the United States Department of Transportation in Part 395 of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended.

(b) The regulations adopted under Section 34501 for vehicles engaged in intrastate commerce that are not transporting hazardous substances or hazardous waste, as those terms are defined by regulations in Section 171.8 of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended, shall have the following exceptions:

(1) The maximum driving time within a work period shall be 12 hours for a driver of a truck or truck tractor, except for a driver of a tank vehicle with a capacity of more than 500 gallons transporting flammable liquid, who shall not drive for more than 10 hours within a work period.

(2) A motor carrier shall not permit or require a driver to drive, nor shall any driver drive, for any period after having been on duty for 80 hours in any consecutive eight days.

(3) A driver employed by an electrical corporation, as defined in Section 218 of the Public Utilities Code, a gas corporation, as defined in Section 222 of that code, a telephone corporation, as defined in Section 234 of that code, a water corporation, as defined in Section 241 of that code, or a public water district as defined in Section 20200 of the Water Code, is exempt from all hours-of-service regulations while operating a public utility or public water district vehicle.

(4) Any other exceptions applicable to drivers assigned to governmental fire suppression and prevention, as determined by the department.

(5) A driver employed by a law enforcement agency, ~~as defined pursuant to~~ in Section 390.3(f)(2) of Title 49 of the Code of Federal Regulations, as that section now exists or is hereafter amended, during an emergency or to restore the public peace.

1     (6) *A driver employed under the direction or management of a*  
2 *county road commissioner, a county chief engineer, or a county*  
3 *engineer, during an emergency, for the purpose of maintaining,*  
4 *restoring, or reopening public roads, maintaining or restoring*  
5 *public infrastructure, or restoring or providing essential public*  
6 *services.*

7     (c) The regulations adopted under Section 34501 for vehicles  
8 engaged in the transportation of farm products in intrastate  
9 commerce shall include all of the following provisions:

10    (1) A driver employed by an agricultural carrier, including a  
11 carrier holding a seasonal permit, or by a private carrier, when  
12 transporting farm products from the field to the first point of  
13 processing or packing, shall not drive for any period after having  
14 been on duty 16 hours or more following eight consecutive hours  
15 off duty and shall not drive for any period after having been on  
16 duty for 112 hours in any consecutive eight-day period, except  
17 that a driver transporting special situation farm products from the  
18 field to the first point of processing or packing, or transporting  
19 livestock from pasture to pasture, may be permitted, during one  
20 period of not more than 28 consecutive days or a combination of  
21 two periods totaling not more than 28 days in a calendar year, to  
22 drive for not more than 12 hours during any workday of not more  
23 than 16 hours. A driver who thereby exceeds the driving time limits  
24 specified in paragraph (2) of subdivision (b) shall maintain a  
25 driver's record of duty status, and shall keep a duplicate copy in  
26 his or her possession when driving a vehicle subject to this chapter.  
27 These records shall be presented immediately upon request by any  
28 authorized employee of the department, or any police officer or  
29 deputy sheriff.

30    (2) Upon the request of the Director of Food and Agriculture,  
31 the commissioner may, for good cause, temporarily waive the  
32 maximum on-duty time limits applicable to any eight-day period  
33 when an emergency exists due to inclement weather, natural  
34 disaster, or an adverse economic condition that threatens to disrupt  
35 the orderly movement of farm products during harvest for the  
36 duration of the emergency. For purposes of this paragraph, an  
37 emergency does not include a strike or labor dispute.

38    (3) For purposes of this subdivision, the following terms have  
39 the following meanings:

- 1 (A) “Farm products” means every agricultural, horticultural,  
2 viticultural, or vegetable product of the soil, honey and beeswax,  
3 oilseeds, poultry, livestock, milk, or timber.
- 4 (B) “First point of processing or packing” means a location  
5 where farm products are dried, canned, extracted, fermented,  
6 distilled, frozen, ginned, eviscerated, pasteurized, packed,  
7 packaged, bottled, conditioned, or otherwise manufactured,  
8 processed, or preserved for distribution in wholesale or retail  
9 markets.
- 10 (C) “Special situation farm products” means fruit, tomatoes,  
11 sugar beets, grains, wine grapes, grape concentrate, cotton, or nuts.